

AO 442 (Rev. 10/03) Warrant for Arrest (Rev. 9/05 WDTX)

FID# 10416064

## UNITED STATES DISTRICT COURT

Western

District of

Texas

UNITED STATES OF AMERICA

V.

## WARRANT FOR ARREST

GIOVANY CANTRES-VELEZ

Case Number: DR-17-CR-01195 (01)

To: The United States Marshal  
and any Authorized United States Officer

YOU ARE HEREBY COMMANDED to arrest

GIOVANY CANTRES-VELEZ

Name

and bring him or her forthwith to the nearest magistrate judge to answer a(n)

☐ Indictment    ☐ Information    ☐ Complaint    ☐ Order of court    ☐ Probation Violation Petition    ☒ Supervised Release Violation Petition    ☐ Violation Notice

charging him or her with (brief description of offense)

VIOLATION OF CONDITIONS OF SUPERVISED RELEASE  
(SEE ATTACHED COPY)A true copy of the original, I certify.  
Clerk, U.S. District CourtBy:   
Deputy ClerkRECEIVED  
U.S. MARSHALS  
W/ TX  
J. Elizalde  
2019 JUN 18 AM 8:29  
DEL RIOViolation of Title(s) \_\_\_\_\_ United States Code, Section(s) SEE ATTACHED PETITION

Name of Issuing Officer

U.S. DEPUTY CLERK

Title of Issuing Officer

Signature of Issuing Officer

6/17/2019

Del Rio, TX

Date and Location

DATE ISSUED: 6/17/2019

Bail fixed at \$ DETAIN

by

U.S. District Judge Alia Moses

Name of Judicial Officer

## RETURN

This warrant was received and executed with the arrest of the above-named defendant at

STERLING, VIRGINIA

DATE RECEIVED

6/18/19

NAME AND TITLE OF ARRESTING OFFICER

SIGNATURE OF ARRESTING OFFICER

DATE OF ARREST

6/19/19


CHRISTINA H. MOORE, DUSM



PROB 12C(7/93)

**United States District Court**  
for the  
**WESTERN DISTRICT OF TEXAS**

**Petition for Warrant or Summons for Offender Under Supervision**

**FILED**  
JUN 17 2019  
CLERK U.S. DISTRICT CLERK  
WESTERN DISTRICT OF TEXAS  
BY  DEPUTY

Name of Offender: Giovany Cantres-Velez

Case Number: DR-17-CR-01195(01)

Name of Sentencing Judicial Officer: Honorable Alia Moses, U.S. District Judge

Date of Original Sentence: May 1, 2018

Original Offense: Conspiracy to Transport Illegal Aliens, in violation of 8 U.S.C. § 1324

Original Sentence: 16 months imprisonment, followed by a 3 year term of supervised release.

Type of Supervision: Supervised Release

Date Supervision Commenced: November 26, 2018

Assistant U.S. Attorney: Sarah Ella Spears

Defense Attorney: Lewis Berray Gainor

**PREVIOUS COURT ACTION**

On December 20, 2018, a report on offender under supervision was filed in the Court based on the offender's positive urine specimen for cocaine from December 10, 2018. It was recommended no action be taken at that time, and the offender's urine surveillance was increased. The Court concurred.

**PETITIONING THE COURT**

☒ To issue a WARRANT.☐ To Issue a WARRANT and TRANSFER JURISDICTION☐ To issue a SUMMONS

A true copy of the original, I certify.  
Clerk, U.S. District Court

By   
Deputy Clerk

The probation officer believes the offender has violated the following conditions of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
1.	<p><b><u>Mandatory Condition # 1:</u></b> "The defendant shall not commit another federal, state, or local crime during the term of supervision."</p> <p>On May 22, 2019, the offender was charged in Fairfax County, Virginia with Driving Without a License, 4<sup>th</sup> Offense; Reckless Driving 77/55; and No Registration. He is scheduled to appear in the Fairfax General District Court on July 9, 2019.</p>
2.	<p><b><u>Special Condition #2:</u></b> "The defendant shall abstain from the use of alcohol and any and all intoxicants."</p> <p><b><u>Mandatory Condition #2:</u></b> "The defendant shall not unlawfully possess a controlled substance."</p> <p><b><u>Mandatory Condition #3:</u></b> "The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release on probation or supervised release and at least two periodic drug tests thereafter (as determined by the</p>

court) but the condition stated in this paragraph may be ameliorated or suspended by the court if the defendant's presentence report or other reliable sentencing information indicates low risk of future substance abuse by the defendant."

On December 10, 2018, the defendant submitted a urine specimen which subsequently tested positive for cocaine. When questioned by the probation officer, the offender admitted to the illicit drug use (reported to the Court).

On May 21, 2019, the offender tested positive for cocaine. Confirmation results were received on June 6, 2019, and the results were confirmed positive for cocaine.

3. **Special Condition #3:** "The defendant shall participate in a substance abuse treatment program and follow the rules and regulations of that program. The program shall include testing and examination to determine if the defendant has reverted to the use of drugs. The probation officer shall supervise the participation in the program (provider, location, modality, duration, intensity, etc.). The defendant shall pay the costs of such treatment if financially able."

**Standard Condition #4:** "The defendant shall answer truthfully the questions asked by the probation officer."

On February 11, 2019, the offender informed the probation officer he attended the CSB-drug treatment program for an intake and was scheduled to start drug counseling on February 13, 2019.

On April 18, 2019, the offender informed the probation officer he attended CSB-drug counseling but had to stop going because it was interfering with his job. However, the offender stated he found a new job, and he would restart the program on April 19, 2019.

On May 7, 2019, the offender informed the probation officer he started CSB on April 19, 2019 and was attending 2 drug classes per week. The probation officer requested proof of name and numbers of his counselors, but he was unable to provide this information. On May 23, 2019, the probation officer called CSB and was informed the offender had never attended any counseling sessions. The probation officer requested proof of attendance from the offender, and he failed to provide the requested information.

4. **Standard Condition #4:** "The defendant shall answer truthfully the questions asked by the probation officer."

**Mandatory Condition #7:** "If the judgment imposes a fine or restitution, it is a condition of supervision that defendant pay in accordance with the Schedule of Payments sheet of the judgment."

The offender was assessed a \$1,000.00 fine. Payment shall be made at the rate of \$40.00 per month due by the third day of each month beginning no earlier than 60 days after the release from imprisonment.

On February 11, 2019, the offender reported he mailed \$100 on January 25, 2019. On May 3, 2019, an OPERA check found no record of this payment. On May 7, 2019, the offender told his probation officer the \$100 check was returned because he had filled it out incorrectly. The probation officer requested said check, but the offender failed to provide it.

The offender has willfully failed to abide by his Court order payment plan of \$40 per month. His last fine payment of \$40 was received on May 28, 2019. He currently has a \$960.00 balance on the fine.

U.S. Probation Officer Recommendation:

The offender is being supervised in the Eastern District of Virginia/Alexandria Division. He commenced his term of supervised release on November 26, 2018. According to his probation officer, the offender's overall adjustment has been unsatisfactory. The offender incurred a charge for driving without a license, reckless driving, and no registration. In addition, he submitted two positive urine specimens for cocaine, and he lied about attending his drug treatment counseling sessions. Which as of this writing, he has yet to begin attending his substance abuse counseling sessions. The offender has made one fine payment. Due to his disregard of the Court's orders, it is respectfully recommended a warrant be issued for the offender and his term of supervised release be revoked.

The term of supervision should be

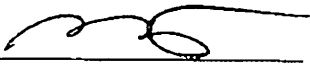
X revoked. (Maximum penalty: 2 years imprisonment; 3 years supervised release; and payment of any unsatisfied monetary sanction previously imposed).

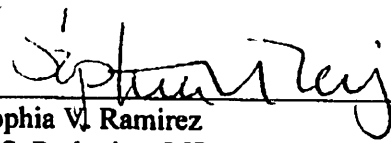
\_\_\_ Extended for \_\_\_\_\_ years, for a total term of \_\_\_\_\_ years.

\_\_\_ The conditions of supervision should be modified as follows:

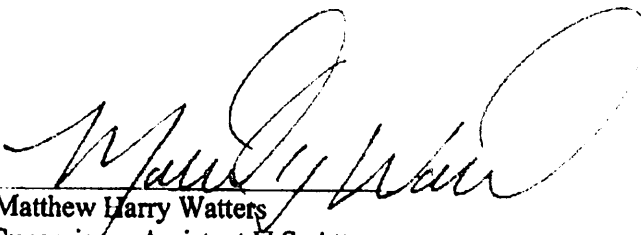
Approved:

Respectfully Submitted,

  
\_\_\_\_\_  
Darren P. Kohut  
Supervising U.S. Probation Officer

  
\_\_\_\_\_  
Sophia V. Ramirez  
U.S. Probation Officer,  
Date: June 10, 2019  
Telephone #: 830-703-2089, ext. 6373

cc: Victor Calderon  
ADCUSPO, Del Rio

  
\_\_\_\_\_  
Matthew Harry Watters  
Supervisory Assistant U.S. Attorney

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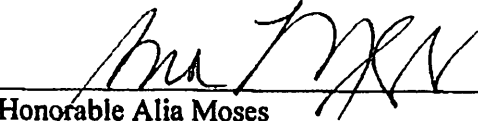
**THE COURT ORDERS**

☐ No Action

☒ The issuance of a WARRANT. Bond is set in the amount of \$ retain cash /surety  
with supervision by the United States Probation Office to continue as a condition of release.

☐ The issuance of a SUMMONS.

☐ Other

  
\_\_\_\_\_  
Honorable Alia Moses  
United States District Judge

6-17-19  
\_\_\_\_\_  
Date